

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
VALDOSTA DIVISION**

CURTIS WEDO POOLE,

Plaintiff,

v.

WARDEN BARROW, et al.,

Defendant.

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**Civil Action No.
7:05-CV-21-HL**

ORDER

Before the Court is a Report and Recommendation (Doc. 72) from United States Magistrate Judge Richard L. Hodge that recommends granting Defendant Barrow's Motion for Summary Judgment and denying Plaintiff's Cross-Motion for Summary Judgment. Plaintiff filed an objection to the Recommendation. Pursuant to 28 U.S.C. § 636(b)(1), the Court has thoroughly considered Plaintiff's objection and has made a de novo determination of the portion of the Recommendation to which Plaintiff objects.¹ For the reasons contained in Judge Hodge's Recommendation, Defendant is entitled to summary judgment because Plaintiff failed to exhaust administrative remedies prior to filing suit. As a result, this Court accepts the Magistrate Judge's Recommendation granting Defendant Barrow's Motion for Summary Judgment and denying Plaintiff's Cross-Motion for Summary Judgment.

¹Attached to Plaintiff's objection is documentation that Plaintiff did not submit in responding to Defendant's Motion for Summary Judgment. This Court will not consider evidence that Plaintiff has presented for the first time in his objection.

SO ORDERED, this the 26th day of March, 2008.

s/ Hugh Lawson

HUGH LAWSON, Judge

dhc